

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

THE ANNUITY, PENSION, WELFARE and TRAINING FUNDS of the INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 14-14B, AFL-CIO by its TRUSTEES EDWIN L. CHRISTIAN, CHRIS CONFREY, JOHN CRONIN, FRANCIS P. DIMENNA, ALFRED GEROSA, JOHN HYERS, DANIEL NOESGES and JOHN F. O'HARE, and JOHN and JANE DOE, as Beneficiaries of the ANNUITY, PENSION, WELFARE and TRAINING FUNDS of the INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 14-14B, AFL-CIO.

*DE*

**STIPULATION OF DISCONTINUANCE WITHOUT PREJUDICE**

CV-05-4142 (ARR)(JMA)

Plaintiffs,

-against-

BRIAR CONSTRUCTION CORP. and HELEN CUMMINGS,  
individually.

Defendants.

X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the above-entitled action, that whereas no party is an infant, incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued without prejudice as against Defendants BRIAR CONSTRUCTION CORP. and HELEN CUMMINGS and without costs to either parties as against the others. This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: Hastings-on-Hudson, New York  
June 2, 2006

BRADY McGUIRE & STEINBERG, P.C.

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So Ordered:

*6/13/06*  
The Honorable Allyne R. Ross, U.S.D.J.

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